

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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KEVIN GIBBONS  
and JOHN CONTE  
Plaintiffs,

v.

Civil Action No. 04-10453-RWZ

CHAMPION WINDOW COMPANY  
OF BOSTON SOUTH, LLC,  
Defendant.

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**JOINT STATEMENT PURSUANT TO RULE 16(b) AND LOCAL RULE 16.1(D)**

The parties, having conferred pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, hereby file the following joint statement and proposed pre-trial schedule in anticipation of the scheduling conference on May 5, 2004 at 2 p.m.

Proposed Pre-Trial Schedule

A. Discovery Plan

1. Interrogatories

One set of interrogatories by plaintiffs (jointly) and one set of interrogatories by defendant; each set limited to a total of 25 interrogatories. Service by June 7, 2004 and response in accordance with Rule 33.

2. Requests for Production of Documents

One set of requests for production of documents by plaintiffs (jointly) and one set by defendant, each set limited to a total of

25 requests. Service by June 7, 2004 and responses in accordance with Rule 34.

3. **Depositions**

Up to 5 depositions by the plaintiffs (jointly) and up to 6 depositions by the defendant. All depositions completed by September 20, 2004. All discovery completed by October 11, 2004.

4. **Expert Disclosure**

Plaintiff to disclose all experts and reports as required by Fed. R. Civ. P 26 by August 2, 2004. Defendant to make counter-designation by August 23, 2004.

B. **Motion Schedule**

1. All motions for summary judgment filed by December 13, 2004.
2. All oppositions filed by January 12, 2005.

C. **Proposed Pre-Trial Conference Date**

The parties propose that the Court conduct a pre-trial conference in this matter on March 15, 2005 or as soon thereafter as the Court's calendar permits.

D. **Certifications**

The parties will file certifications in accordance with Local Rule 16.1(D)(3) at the scheduling conference on May 5, 2004.

E. **Alternative Dispute Resolution**

The parties are amenable to mediation.

F. Referral To Magistrate Judge

The plaintiffs do not consent to a trial by a Magistrate Judge.

Respectfully submitted,

KEVIN GIBBONS and JOHN CONTE

By their attorney,

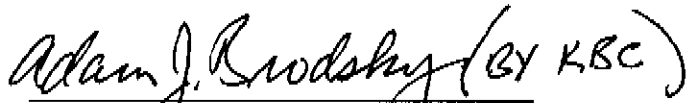


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Respectfully submitted,

CHAMPION WINDOW COMPANY  
OF BOSTON SOUTH, LLC

By its attorney,



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Date: April 28, 2004